



General Assembly

January Session, 2009

Amendment

LCO No. 8495

SB0075508495SD0

Offered by:

SEN. HARRIS, 5th Dist.
SEN. DEBICELLA, 21st Dist.
SEN. FRANTZ, 36th Dist.
REP. RITTER, 38th Dist.
REP. GIEGLER, 138th Dist.

To: Subst. Senate Bill No. 755

File No. 710

Cal. No. 503

**"AN ACT CONCERNING THE USE OF ASTHMATIC INHALERS
AND EPINEPHRINE AUTO-INJECTORS WHILE AT SCHOOL."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 10-212a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective August 15, 2009*):

5 (a) (1) A school nurse or, in the absence of such nurse, any other
6 nurse licensed pursuant to the provisions of chapter 378, including a
7 nurse employed by, or providing services under the direction of a local
8 or regional board of education at, a school-based health clinic, who
9 shall administer medical preparations only to students enrolled in such
10 school-based health clinic in the absence of a school nurse, the
11 principal, any teacher, licensed athletic trainer, licensed physical or

12 occupational therapist employed by a school district, or coach of
13 intramural and interscholastic athletics of a school may administer,
14 subject to the provisions of subdivision (2) of this subsection,
15 medicinal preparations, including such controlled drugs as the
16 Commissioner of Consumer Protection may, by regulation, designate,
17 to any student at such school pursuant to the written order of a
18 physician licensed to practice medicine, or a dentist licensed to practice
19 dental medicine in this or another state, or an optometrist licensed to
20 practice optometry in this state under chapter 380, or an advanced
21 practice registered nurse licensed to prescribe in accordance with
22 section 20-94a, or a physician assistant licensed to prescribe in
23 accordance with section 20-12d, and the written authorization of a
24 parent or guardian of such child. The administration of medicinal
25 preparations by a nurse licensed pursuant to the provisions of chapter
26 378, a principal, teacher, licensed athletic trainer, licensed physical or
27 occupational therapist employed by a school district, or coach shall be
28 under the general supervision of a school nurse. No such school nurse
29 or other nurse, principal, teacher, licensed athletic trainer, licensed
30 physical or occupational therapist employed by a school district, coach
31 or school paraprofessional administering medication pursuant to
32 subsection (d) of this section shall be liable to such student or a parent
33 or guardian of such student for civil damages for any personal injuries
34 that result from acts or omissions of such school nurse or other nurse,
35 principal, teacher, licensed athletic trainer, licensed physical or
36 occupational therapist employed by a school district, coach or school
37 paraprofessional administering medication pursuant to subsection (d)
38 of this section in administering such preparations that may constitute
39 ordinary negligence. This immunity does not apply to acts or
40 omissions constituting gross, wilful or wanton negligence.

41 (2) Each local and regional board of education that allows a school
42 nurse or, in the absence of such nurse, any other nurse licensed
43 pursuant to the provisions of chapter 378, including a nurse employed
44 by, or providing services under the direction of a local or regional
45 board of education at, a school-based health clinic, who shall

46 administer medical preparations only to students enrolled in such
47 school-based health clinic in the absence of a school nurse, the
48 principal, any teacher, licensed athletic trainer, licensed physical or
49 occupational therapist employed by a school district, or coach of
50 intramural and interscholastic athletics of a school to administer
51 medicine or that allows a student to self-administer medicine,
52 including medicine administered through the use of an asthmatic
53 inhaler or an automatic prefilled cartridge injector or similar automatic
54 injectable equipment, shall adopt written policies and procedures, in
55 accordance with this section and the regulations adopted pursuant to
56 subsection (c) of this section, that shall be approved by the school
57 medical advisor or other qualified licensed physician. Once so
58 approved, such administration of medication shall be in accordance
59 with such policies and procedures.

60 (3) A director of a school readiness program as defined in section
61 10-16p or a before or after school program exempt from licensure by
62 the Department of Public Health pursuant to subdivision (1) of
63 subsection (b) of section 19a-77, or the director's designee, may
64 administer medications to a child enrolled in such a program in
65 accordance with regulations adopted by the State Board of Education
66 in accordance with the provisions of chapter 54. No individual
67 administering medications pursuant to this subdivision shall be liable
68 to such child or a parent or guardian of such child for civil damages for
69 any personal injuries that result from acts or omissions of such
70 individual in administering such medications which may constitute
71 ordinary negligence. This immunity shall not apply to acts or
72 omissions constituting gross, wilful or wanton negligence.

73 (b) Each school wherein any controlled drug is administered under
74 the provisions of this section shall keep such records thereof as are
75 required of hospitals under the provisions of subsections (f) and (h) of
76 section 21a-254 and shall store such drug in such manner as the
77 Commissioner of Consumer Protection shall, by regulation, require.

78 (c) The State Board of Education, in consultation with the

79 Commissioner of Public Health, [may] shall adopt regulations, in
80 accordance with the provisions of chapter 54, [as] determined to be
81 necessary by the board to carry out the provisions of this section,
82 including, but not limited to, regulations that (1) specify conditions
83 under which a coach of intramural and interscholastic athletics may
84 administer medicinal preparations, including controlled drugs
85 specified in the regulations adopted by the commissioner, to a child
86 participating in such intramural and interscholastic athletics, (2)
87 specify conditions and procedures for the administration of medication
88 by school personnel to students, and (3) specify conditions for self-
89 administration of medication by students, including permitting a child
90 diagnosed with: (A) Asthma to retain possession of an asthmatic
91 inhaler at all times while attending school for prompt treatment of the
92 child's asthma and to protect the child against serious harm or death
93 provided a written authorization for self-administration of medication
94 signed by the child's parent or guardian and an authorized prescriber
95 is submitted to the school nurse; and (B) an allergic condition to retain
96 possession of an automatic prefilled cartridge injector or similar
97 automatic injectable equipment at all times while attending school for
98 prompt treatment of the child's allergic condition and to protect the
99 child against serious harm or death provided a written authorization
100 for self-administration of medication signed by the child's parent or
101 guardian and an authorized prescriber is submitted to the school
102 nurse. The regulations shall require authorization pursuant to: [(A)] (i)
103 The written order of a physician licensed to practice medicine in this or
104 another state, a dentist licensed to practice dental medicine in this or
105 another state, an advanced practice registered nurse licensed under
106 chapter 378, a physician assistant licensed under chapter 370, a
107 podiatrist licensed under chapter 375, or an optometrist licensed under
108 chapter 380; and [(B)] (ii) the written authorization of a parent or
109 guardian of such child.

110 (d) (1) With the written authorization of a student's [parents] parent
111 or guardian, and (2) pursuant to the written order of the student's (A)
112 physician licensed to practice medicine, (B) an optometrist licensed to

113 practice optometry under chapter 380, (C) an advanced practice
114 registered nurse licensed to prescribe in accordance with section 20-
115 94a, or (D) a physician assistant licensed to prescribe in accordance
116 with section 20-12d, a school nurse and a school medical advisor may
117 jointly approve and provide general supervision to an identified
118 school paraprofessional to administer medication, including, but not
119 limited to, medication administered with a cartridge injector, to a
120 specific student with a medically diagnosed allergic condition that
121 may require prompt treatment in order to protect the student against
122 serious harm or death. For purposes of this subsection, "cartridge
123 injector" means an automatic prefilled cartridge injector or similar
124 automatic injectable equipment used to deliver epinephrine in a
125 standard dose for emergency first aid response to allergic reactions.

126 Sec. 2. Subsection (b) of section 10-212c of the general statutes is
127 repealed and the following is substituted in lieu thereof (*Effective*
128 *August 15, 2009*):

129 (b) Not later than July 1, 2006, each local and regional board of
130 education shall: (1) [implement] Implement a plan based on the
131 guidelines developed pursuant to subsection (a) of this section for the
132 management of students with life-threatening food allergies enrolled
133 in the schools under its jurisdiction; (2) make such plan available on
134 such board's web site or the web site of each school under such board's
135 jurisdiction, or if such web sites do not exist, make such plan publicly
136 available through other practicable means as determined by such
137 board; and (3) provide notice of such plan in conjunction with the
138 annual written statement provided to parents and guardians as
139 required by subsection (b) of section 10-231c. The superintendent of
140 schools for each school district shall annually attest to the Department
141 of Education that such school district is implementing such plan in
142 accordance with the provisions of this section."

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>August 15, 2009</i>	10-212a
Sec. 2	<i>August 15, 2009</i>	10-212c(b)